

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

HEATHER SMITH, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

WHALECO INC. DBA TEMU,

Defendant.

Case No. 5:23-cv-00559-D

**JOINT MOTION FOR TWO-WEEK EXTENSION TO EXTEND DEADLINES  
RELATED TO DEFENDANT’S MOTION TO COMPEL ARBITRATION TO  
ALLOW PARTIES TO DISCUSS RESOLUTION**

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 7.1 (h) & (k), Plaintiff Heather Smith and Defendant Whaleco, Inc. d/b/a TEMU’s jointly file this motion to extend the time to file opposition and reply briefs related to Defendant’s Compel Arbitration (Dkt. 33) and states as follows:

1. This is a putative class action under Oklahoma’s newly enacted Telephone Solicitation Act of 2022, Okla. Stat. tit. 15, § 775C.1, *et. seq.* (“the OTSA”).
2. Defendant filed a Motion to Compel Arbitration on November 15, 2023 (“the Motion”). (Dkt. 33).
3. The Court previously granted Plaintiff’s motion to extend the briefing deadlines for both parties extending Plaintiff’s response deadline to January 5, 2024 and Defendant’s reply deadline to January 26, 2024. (Dkt. 36). The prior extension was sought to allow for a full investigation of the issues raised in the Motion.

4. The parties began discussing the potential resolution of this matter just before the Christmas holidays. However, because of the holidays those discussions were paused.
5. To permit the parties to meaningfully engage in discussions to resolve the case and to maximize cost savings to the parties should the matter resolve, the parties jointly seek a two-week extension of the current Motion briefing deadlines. Accordingly, the parties propose the following schedule:  
**Plaintiff's Opposition to Motion: January 19, 2024**  
**Defendant's Reply: February 9, 2024**
6. The proposed extension will not affect any other case management deadlines.
7. The parties have submitted a proposed order on this motion.

WEREFORE, the Parties jointly seek an Order entering the above-proposed briefing schedule.

Respectfully Submitted,

/s/ **Kathy R. Neal**

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